



General Assembly

February Session, 2008

Raised Bill No. 607

LCO No. 2751

02751_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE IDENTIFICATION OF CERTAIN
FIREARMS AND THE CRIMINAL POSSESSION OF FIREARMS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-33 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) No person, firm or corporation shall sell, deliver or otherwise
4 transfer any pistol or revolver to any person who is prohibited from
5 possessing a [pistol or revolver] firearm as provided in section 53a-
6 217c, as amended by this act.

7 (b) On and after October 1, 1995, no person may purchase or receive
8 any pistol or revolver unless such person holds a valid permit to carry
9 a pistol or revolver issued pursuant to subsection (b) of section 29-28 of
10 the 2008 supplement to the general statutes, a valid permit to sell at
11 retail a pistol or revolver issued pursuant to subsection (a) of section
12 29-28 of the 2008 supplement to the general statutes or a valid
13 eligibility certificate for a pistol or revolver issued pursuant to section
14 29-36f or is a federal marshal, parole officer or peace officer.

15 (c) No person, firm or corporation shall sell, deliver or otherwise
16 transfer any pistol or revolver except upon written application on a
17 form prescribed and furnished by the Commissioner of Public Safety.
18 Such person, firm or corporation shall insure that all questions on the
19 application are answered properly prior to releasing the pistol or
20 revolver and shall retain the application, which shall be attached to the
21 federal sale or transfer document, for at least twenty years or until
22 such vendor goes out of business. Such application shall be available
23 for inspection during normal business hours by law enforcement
24 officials. No sale, delivery or other transfer of any pistol or revolver
25 shall be made unless the person making the purchase or to whom the
26 same is delivered or transferred is personally known to the person
27 selling such pistol or revolver or making delivery or transfer thereof or
28 provides evidence of his identity in the form of a motor vehicle
29 operator's license, identity card issued pursuant to section 1-1h or
30 valid passport. No sale, delivery or other transfer of any pistol or
31 revolver shall be made until the person, firm or corporation making
32 such transfer obtains an authorization number from the Commissioner
33 of Public Safety. Said commissioner shall perform the national instant
34 criminal background check and make a reasonable effort to determine
35 whether there is any reason that would prohibit such applicant from
36 possessing a [pistol or revolver] firearm as provided in section 53a-
37 217c, as amended by this act. If the commissioner determines the
38 existence of such a reason, the commissioner shall deny the sale and no
39 pistol or revolver shall be sold, delivered or otherwise transferred by
40 such person, firm or corporation to such applicant.

41 (d) No person, firm or corporation shall sell, deliver or otherwise
42 transfer any pistol or revolver, other than at wholesale, unless such
43 pistol or revolver is equipped with a reusable trigger lock, gun lock or
44 gun locking device appropriate for such pistol or revolver, which lock
45 or device shall be constructed of material sufficiently strong to prevent
46 it from being easily disabled and have a locking mechanism accessible
47 by key or by electronic or other mechanical accessory specific to such
48 lock or device to prevent unauthorized removal. No pistol or revolver

49 shall be loaded or contain therein any gunpowder or other explosive
50 or any bullet, ball or shell when such pistol or revolver is sold,
51 delivered or otherwise transferred.

52 (e) On and after January 1, 2010, no person, firm or corporation shall
53 sell, deliver or otherwise transfer any semiautomatic pistol at retail
54 unless such semiautomatic pistol is designed and equipped with a
55 microscopic array of characters that identify the make, model and
56 serial number of the pistol in two or more places on the interior surface
57 or internal working parts of the pistol and that are transferred by
58 imprinting on each cartridge case when the pistol is fired, provided the
59 Attorney General certifies that the technology used to create the
60 imprint is available to more than one manufacturer unencumbered by
61 any patent restrictions. For the purposes of this subsection,
62 "semiautomatic pistol" means a pistol the operating mode of which
63 uses the energy of the explosive in a fixed cartridge to extract a fired
64 cartridge and chamber a fresh cartridge with each single pull of the
65 trigger.

66 ~~[(e)]~~ (f) Upon the sale, delivery or other transfer of any pistol or
67 revolver, the person making the purchase or to whom the same is
68 delivered or transferred shall sign a receipt for such pistol or revolver
69 which shall contain the name and address of such person, the date of
70 sale, the caliber, make, model and manufacturer's number and a
71 general description of such pistol or revolver, the identification
72 number of such person's permit to carry pistols or revolvers, issued
73 pursuant to subsection (b) of section 29-28 of the 2008 supplement to
74 the general statutes, permit to sell at retail pistols or revolvers, issued
75 pursuant to subsection (a) of said section, or eligibility certificate for a
76 pistol or revolver, issued pursuant to section 29-36f, if any, and the
77 authorization number designated for the transfer by the Department of
78 Public Safety. The person, firm or corporation selling such pistol or
79 revolver or making delivery or transfer thereof shall give one copy of
80 the receipt to the person making the purchase of such pistol or
81 revolver or to whom the same is delivered or transferred, shall retain

82 one copy of the receipt for at least five years, and shall send, by first
83 class mail, or electronically transmit, within forty-eight hours of such
84 sale, delivery or other transfer, one copy of the receipt to the
85 Commissioner of Public Safety and one copy of the receipt to the chief
86 of police or, where there is no chief of police, the warden of the
87 borough or the first selectman of the town, as the case may be, of the
88 town in which the transferee resides.

89 ~~[(f)]~~ (g) The provisions of this section shall not apply to antique
90 pistols or revolvers. An antique pistol or revolver, for the purposes of
91 this section, means any pistol or revolver which was manufactured in
92 or before 1898 and any replica of such pistol or revolver provided such
93 replica is not designed or redesigned for using rimfire or conventional
94 centerfire fixed ammunition except rimfire or conventional centerfire
95 fixed ammunition which is no longer manufactured in the United
96 States and not readily available in the ordinary channel of commercial
97 trade.

98 ~~[(g)]~~ (h) The provisions of this section shall not apply to the sale,
99 delivery or transfer of pistols or revolvers between (1) a federally-
100 licensed firearm manufacturer and a federally-licensed firearm dealer,
101 (2) a federally-licensed firearm importer and a federally-licensed
102 firearm dealer, or (3) federally-licensed firearm dealers.

103 ~~[(h)]~~ (i) If the court finds that a violation of this section is not of a
104 serious nature and that the person charged with such violation (1) will
105 probably not offend in the future, (2) has not previously been
106 convicted of a violation of this section, and (3) has not previously had a
107 prosecution under this section suspended pursuant to this subsection,
108 it may order suspension of prosecution. The court shall not order
109 suspension of prosecution unless the accused person has
110 acknowledged that he understands the consequences of the suspension
111 of prosecution. Any person for whom prosecution is suspended shall
112 agree to the tolling of any statute of limitations with respect to such
113 violation and to a waiver of his right to a speedy trial. Such person

114 shall appear in court and shall be released to the custody of the Court
 115 Support Services Division for such period, not exceeding two years,
 116 and under such conditions as the court shall order. If the person
 117 refuses to accept, or, having accepted, violates such conditions, the
 118 court shall terminate the suspension of prosecution and the case shall
 119 be brought to trial. If such person satisfactorily completes his period of
 120 probation, he may apply for dismissal of the charges against him and
 121 the court, on finding such satisfactory completion, shall dismiss such
 122 charges. If the person does not apply for dismissal of the charges
 123 against him after satisfactorily completing his period of probation, the
 124 court, upon receipt of a report submitted by the Court Support
 125 Services Division that the person satisfactorily completed his period of
 126 probation, may on its own motion make a finding of such satisfactory
 127 completion and dismiss such charges. Upon dismissal, all records of
 128 such charges shall be erased pursuant to section 54-142a. An order of
 129 the court denying a motion to dismiss the charges against a person
 130 who has completed his period of probation or terminating the
 131 participation of a defendant in such program shall be a final judgment
 132 for purposes of appeal.

133 ~~[(i)]~~ (j) Any person who violates any provision of this section shall
 134 be guilty of a class D felony, except that any person who sells, delivers
 135 or otherwise transfers a pistol or revolver in violation of the provisions
 136 of this section, knowing that such pistol or revolver is stolen or that the
 137 manufacturer's number or other mark of identification on such pistol
 138 or revolver has been altered, removed or obliterated, shall be guilty of
 139 a class B felony, and any pistol or revolver found in the possession of
 140 any person in violation of any provision of this section shall be
 141 forfeited.

142 Sec. 2. Section 53a-217 of the general statutes is repealed and the
 143 following is substituted in lieu thereof (*Effective October 1, 2008*):

144 (a) A person is guilty of criminal possession of [a firearm or] an
 145 electronic defense weapon when such person possesses [a firearm or]

146 an electronic defense weapon and (1) has been convicted of a felony,
 147 (2) has been convicted as delinquent for the commission of a serious
 148 juvenile offense, as defined in section 46b-120 of the 2008 supplement
 149 to the general statutes, or (3) knows that such person is subject to (A) a
 150 restraining or protective order of a court of this state that has been
 151 issued against such person, after notice and an opportunity to be heard
 152 has been provided to such person, in a case involving the use,
 153 attempted use or threatened use of physical force against another
 154 person, or (B) a foreign order of protection, as defined in section 46b-
 155 15a, that has been issued against such person in a case involving the
 156 use, attempted use or threatened use of physical force against another
 157 person. [, (4) knows that such person is subject to a firearms seizure
 158 order issued pursuant to subsection (d) of section 29-38c after notice
 159 and an opportunity to be heard has been provided to such person, or
 160 (5) is prohibited from shipping, transporting, possessing or receiving a
 161 firearm pursuant to 18 USC 922(g)(4).] For the purposes of this section,
 162 "convicted" means having a judgment of conviction entered by a court
 163 of competent jurisdiction.

164 (b) Criminal possession of [a firearm or] an electronic defense
 165 weapon is a class D felony. [, for which two years of the sentence
 166 imposed may not be suspended or reduced by the court.]

167 Sec. 3. Section 53a-217c of the general statutes is repealed and the
 168 following is substituted in lieu thereof (*Effective October 1, 2008*):

169 (a) A person is guilty of criminal possession of a [pistol or revolver]
 170 firearm when such person possesses a [pistol or revolver, as defined in
 171 section 29-27,] firearm and (1) has been convicted of a felony or of a
 172 violation of subsection (c) of section 21a-279 or section 53a-58, 53a-61,
 173 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d,
 174 (2) has been convicted as delinquent for the commission of a serious
 175 juvenile offense, as defined in section 46b-120 of the 2008 supplement
 176 to the general statutes, (3) has been discharged from custody within
 177 the preceding twenty years after having been found not guilty of a

178 crime by reason of mental disease or defect pursuant to section 53a-13,
 179 (4) has been confined in a hospital for persons with psychiatric
 180 disabilities, as defined in section 17a-495, within the preceding twelve
 181 months by order of a probate court, (5) knows that such person is
 182 subject to (A) a restraining or protective order of a court of this state
 183 that has been issued against such person, after notice and an
 184 opportunity to be heard has been provided to such person, in a case
 185 involving the use, attempted use or threatened use of physical force
 186 against another person, or (B) a foreign order of protection, as defined
 187 in section 46b-15a, that has been issued against such person in a case
 188 involving the use, attempted use or threatened use of physical force
 189 against another person, (6) knows that such person is subject to a
 190 firearms seizure order issued pursuant to subsection (d) of section 29-
 191 38c after notice and an opportunity to be heard has been provided to
 192 such person, (7) is prohibited from shipping, transporting, possessing
 193 or receiving a firearm pursuant to 18 USC 922(g)(4), or (8) is an alien
 194 illegally or unlawfully in the United States. For the purposes of this
 195 section, "convicted" means having a judgment of conviction entered by
 196 a court of competent jurisdiction.

197 (b) Criminal possession of a [pistol or revolver] firearm is a class D
 198 felony.

199 Sec. 4. Subsection (c) of section 29-36k of the general statutes is
 200 repealed and the following is substituted in lieu thereof (*Effective*
 201 *October 1, 2008*):

202 (c) Any person who fails to transfer or surrender any such pistols
 203 and revolvers and other firearms as provided in this section shall be
 204 subject to the penalty provided for in section [53a-217 or] 53a-217c, as
 205 amended by this act.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2008</i>	29-33
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Sec. 2	<i>October 1, 2008</i>	53a-217
Sec. 3	<i>October 1, 2008</i>	53a-217c
Sec. 4	<i>October 1, 2008</i>	29-36k(c)

Statement of Purpose:

To facilitate the linking of used cartridge cases to the firearm that fired them by requiring the microstamping of semiautomatic pistols and to make all the disqualifiers for the possession of a handgun applicable to the possession of a long gun.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]